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City and County of San Francisco



Willie Lewis Brown, Jr.
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Marivic S. Bamba
Executive Director

DOCUMENTS DEPT.

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TASK FORCE ON THE NEW 12D ORDINANCE OF THE MBE/WBE/LBE ADVISORY COMMITTEE

DATE:

5/5

Thursday, April 30, 1998

5:30 p.m. to 7:30 p.m.

25 Van Ness Avenue, Suite 800

San Francisco, CA 94102



San Francisco Public Library

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San Francisco Public Library
Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

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AGENDA

5:30 p.m.

of approved legislative, administrative and rules and regulations changes
by the Task Forces. (Matrix of document enclosed listing those changes and

1. ADVISORY COMMITTEE MEETING:

Wednesday, May 20, 1998

5:30 p.m. to 7:30 p.m.

Human Rights Commission Offices

25 Van Ness Avenue (near Market Street)

8th Floor, Conference Room

LOCATION:

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033



TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
<http://www.sfhumanrights.org>



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Ordinance

**TASK FORCE ON THE NEW 12D ORDINANCE
OF THE MBE/WBE/LBE ADVISORY COMMITTEE**

DATE: Thursday, April 30, 1998
TIME: 5:30 p.m. to 7:30 p.m.
LOCATION: 25 Van Ness Avenue, Suite 800
San Francisco, CA 94102

AGENDA

5:30 p.m.

1 Discussion and incorporation of approved legislative, administrative and rules and regulations changes made by the MBE/WBE/LBE Task Forces. (Matrix of document enclosed listing those changes and approval date).

NEXT ADVISORY COMMITTEE MEETING:

DATE: Wednesday, May 20, 1998
TIME: 5:30 p.m. to 7:30 p.m.
LOCATION: Human Rights Commission Offices
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8th Floor, Conference Room



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Disability Access

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Matrix of recommended changes to the 12D Ordinance

ID	Task Force	Regarding	Type of Change/Location	As Proposed by Task Force	Last Action
1	Program Admin	JVs	Legislative	As Proposed by Task Force Presumably joint ventures prior to 19d.	Task Force: Adv Comm: Referred to Staff
2	Program Admin	Department responsibility	Administrative	Each department should assign industry knowledgeable staff to advocate for the utilization of MWVBEs and to develop innovative approaches for meeting the applicable MWVBE goals.	HRC Comm: Task Force: Adv Comm:
3	Program Admin		Rules & Regs Chapter IV, Powers & Duties of Departments	HRC to work with CNY depts to establish annual goals. Budget allocations for the different depts have to be individually taken into account. The depts will be req'd to submit quarterly rpts on their efforts & results attaining the goals to the HRC MBEMBE Advisory Committee.	HRC Comm: Task Force: Adv Comm: Referred to CNY Adm
3.1	(refer to above)				HRC Comm: Task Force: Adv Comm:
5		Asian Subgroups	Administrative	HRC will track Asian subgroups, i.e. Asian Indian, Chinese, Filipino, Japanese, Korean, Pacific Islander, and Southeast Asian.	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
6		Brokers / Suppliers	Rules & Regs Chapter I, Definitions	A 'supplier' is a firm with the financial and physical capability to purchase, take possession of, stock, and distribute or sell. The supplier shall stock the types and number of items consistent with the relevant industry practice.	HRC Comm: Task Force: Adv Comm: Approved: 9/12/96
7		Brokers / Suppliers	Rules & Regs Chapter I, Definitions	A 'broker' of construction materials, equipment, and supplies is a firm that purchases and sells, but does not regularly take possession of or stock materials and is not a 'supplier.'	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
8		Business Development	Administrative	HRC is to identify problems encountered by small businesses in order that business development agencies can hold workshops addressing these needs.	HRC Comm: Task Force: Adv Comm: Approved: 9/12/96
9		Certification	Rules & Regs Chapter V, Certification of MWVBEs	Applicants are to submit proof of applicable professional licenses for which the minority and/or woman owner is the license qualifier. Applicants are to submit evidence of ethnicity and/or gender of owners.	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
10		Contract Compliance / Conflict	Administrative	HRC is to develop an internal mgmt structure to deal with contract compliance work & conflict resolution separately, clearly separating contract comp. work & conflict res. & providing trained staff & knowledgeable mgs to deal w/ these distinct functions.	HRC Comm: Task Force: Adv Comm: Approved: 9/12/96
11	Program Admin	Contractor Rotation	Rules & Regs (maybe legislative) Chapter IV, Powers & Duties of Departments	Departments are encouraged to expand their pool of prime contractors and to encourage prime contractors and consultants to expand their subcontractors and subcontractors whenever possible.	HRC Comm: Task Force: Adv Comm: Approved: 11/20/96
	Approved				HRC Comm: Approved 12/12/96



ID	Task Force	Type of Change/Location	As Proposed by Task Force	Last Action
12	Program Scope	Regarding Fund Contract Compliance Separately	Contract compliance shall be independently funded by general funds.	Task Force: Adv Comm:
13	Program Admin	Administrative	HRC will urge prime contractors to increase the number of MW/BE firms they contract, outreaching to at least 3 new firms for each specific trade and/or industry, depending on availability.	HRC Comm: Task Force: Adv Comm: Referred to Staff
14	Program Admin	Good Faith Monitoring Rules & Regs Chapter II, Power & Duties of the HRC	HRC reserves the right to request from prime contractor copies of all bids of subcontractors as evidence of good faith efforts.	HRC Comm: Task Force: Adv Comm: Referred to Staff
16	Graduation as Ethnic Group	Legislative (Circum)	Groups are no longer eligible to participate in the MBEW/BE/LBE program when they have achieved parity in their industry following three successive years.	HRC Comm: Task Force: Adv Comm:
17	Program Scope	Administrative	All city departments should adopt a policy to include participation of MW/BE design professionals and construction contractors in all leased/hold improvements, including retail concessions and food/beverage concessions.	HRC Comm: Task Force: Adv Comm: Approved: 8/4/96
17	Program Scope	Tenant Improvement	All lease amendments shall include MW/BE subcontracting part, goals for all leased improvements in pro vice and construction. This will apply throughout all leased improvements. All reporting req's under the ordinance to apply.	HRC Comm: Task Force: Adv Comm: Approved: 8/12/98
19	Program Scope	Legislative	Requiring that non-profit agencies comply with the requirements of the MBEW/BE/LBE Program, including the application of numerical goals to contracts they award and the mandate for regular reporting of performance.	HRC Comm: Task Force: Adv Comm:
20	Other City commissions	Administrative	HRC will acquiesce City commissioners with the MW/BE Program and its purpose and will urge the active involvement of all San Francisco City commissioners in outreach to MW/BE communities.	HRC Comm: Task Force: Adv Comm: Approved: 8/4/98
21	Outreach	Administrative	HRC will expand outreach to local businesses, utilizing the internet, tv, radio, ethnic & community newspapers, community bulletin boards, and bus dev agencies, outreaching to as many org's, assoc's, communication specialists, and individuals as possible.	HRC Comm: Task Force: Adv Comm: Approved: 8/4/96
22	Public Notice	Administrative	An MW/BE program mission statement should be published on pertinent materials of all City departments.	HRC Comm: Task Force: Adv Comm: Approved: 8/4/96
23	Program Admin	Approved	Each department shall be held responsible for the attainment of their annual and trade specific goals.	HRC Comm: Task Force: Adv Comm: Approved: 8/12/96



				Last Action	
ID	Task Force	Regarding	Type of Change/Location	As Proposed by Task Force	Task Force:
24	Program Admin	Sub-goals	Administrative	HRC will establish annual and trade specific goals for each department and monitor compliance with these goals.	Task Force: Adv Comm:
25		Sub-goals	Legislative (Croson req'd) Chapter II, Powers & Duties of the HRC	Set separate sub-goals by ethnicity and gender, by trade. HRC should not combine MBE and WBE goals.	HRC Comm: Task Force: Adv Comm: Tabled
27		Tenant Improvements	Legislative	HRC shall establish part. goals for MWBE on leasedhold improvements. These goals to be met by tenant & become part of lease. HRC shall monitor compliance quarterly.	HRC Comm: Task Force: Adv Comm:
28	Numerical Incentives	J/V's Construction	Legislative (Croson req'd)	10% bid preference for 100% certified MWBE participation; 7.5% bid preference for 51% MWBE participation; 5% bid preference for 35% MWBE participation.	HRC Comm: Task Force: Adv Comm:
29	Numerical Incentives	Other Industries	Administrative	Include professional services, equipment & supplies, and general services in overall disparity study in order to establish subcontracting and subcontracting goals for MWBE participation.	HRC Comm: Task Force: Adv Comm:
30	Size Standards	Annual Revenue Calculation		Extend from 3 to 5 years the period of time used to compute average annual revenue. Dropped by Task Force	HRC Comm: Task Force: Adv Comm:
31	Size Standards	Architect & Engineers	Legislative	Trent Arch & Eng separately for program. (under the condition that it is legally defensible & statistically significant)	HRC Comm: Task Force: Adv Comm:
32	Size Standards	Subgroup Targeting	Rules & Regs Chapter II, Powers & Duties of HRC	HRC will institute targets for ethnic and industry subgroups where there is sufficient availability and under-utilization.	HRC Comm: Task Force: Adv Comm:
33	Size Standards	Threshold Decrease	Legislative	Specialty Contractors-Lower from \$14 - 7 million (with a limit of \$5million for concrete subcontractors)	HRC Comm: Task Force: Adv Comm:
34	Size Standards	Threshold Increases	Legislative	Construction & other suppliers-Raise from \$2 - 5 million. Computer Suppliers-Raise from \$2.5 million.	HRC Comm: Task Force: Adv Comm:
34	Size Standards	Threshold Increases	Legislative	General Construction-Raise from \$14 - 17 million.	HRC Comm: Task Force: Adv Comm:

ID	Task Force	Regarding	Type of Change/Location	As Proposed by Task Force	Last Action
34	Size Standards	Threshold Increases	Legislative	Construction Inspection Testing- Rises from \$2 - 5 million.	Task Force: No Action Adv Comm: HRC Comm: Task Force: Approved: 10/28/98
34	Size Standards	Threshold Increases	Legislative	Surveying- Rises from \$2 - 5 million.	Adv Comm: HRC Comm: Task Force: Approved: 10/28/98
35	Size Standards	Thresholds	Legislative	Raise all other industries to SBA standards (except auto's), non-SBA industries to \$5 million.	Adv Comm: HRC Comm: Task Force: Rejected: 10/28/98
36	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs	Post Office box numbers, commercial mail box services, or residential addresses when the firm has an office outside of San Francisco shall not suffice to establish status as a 'Local Business.'	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
36	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs	Applicants are to submit a rental agreement for the office space/home; rent receipt or canceled check (if owned, include property tax or deed statement showing ownership); bank business invoice and letterhead; business card for owner.	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
36	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs	An arrangement for the right to use an office space on an as needed basis, where there is no office exclusively reserved for the firm does not qualify as an 'office.'	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
36	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs	Applicants to submit a complete recent telephone bill, showing the business name, local address, & telephone number.	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
36	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs	Applicants for certification are to submit a copy of their current Business Tax Registration Certificate issued by the City Tax Collector, showing their current local business location.	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
37	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs	Applicants are to submit complete Federal Income Tax returns for the past three most recent years.	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
37	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs	Applicants are to submit copies of corresp with the accompanying envelopes addressed to the local bus add, ie, bids, bid &/or RFP solicitations, & contractor comm's, & corresp from the local bus add, ie, invoices, bids, RFPs, comm's to customers/contract	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
37	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs	The business location, unless located in a residence, must prominently display the name of the firm.	HRC Comm: Task Force: Adv Comm: Approved: 9/4/96
37	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification- LBEs		HRC Comm: Task Force: Adv Comm: Approved: 9/4/96

ID	Task Force	Regarding	Type of Change/Location	As Proposed by Task Force	Last Action
37	Program Admin	LBE Certification	Rules & Regs Chapter VI, Certification-LBEs	The name and local address must appear in the white pages of the San Francisco Telephone Directory, unless the business was established after the publication deadline.	Task Force: Adv Comm: Approved: 9/4/96
37	Program Admin		Administrative	HRC will urge prime contractors to increase the number of MBE/WBE trade and/or industry, depending on availability.	Task Force: Adv Comm: Approved: 9/12/96
38	Program Admin	Contractor Outreach	Administrative	In the interest to increase MBE/WBE participation in a wider variety of subtrades, the City shall urge prime contractors to broaden its outreach to MBE/WBE firms within the various trades/industries and professional services.	HRC Comm: Task Force: Adv Comm: Approved: 11/20/96
39	Program Admin	Registry	Rules & Regs Chapter Registry	The HRC will register non economically disadvantaged local firms whose offices are located within the geographical boundaries of the City & County of San Francisco.	HRC Comm: Task Force: Adv Comm: Approved: 9/12/96
39	Program Admin	Registry	Rules & Regs Chapter Registry	The HRC will register MBE & WBE economically disadvantaged firms whose offices are not located within the geographical boundaries of the City & County of San Francisco and noneconomically disadvantaged local MBEs & WBEs.	Task Force: HRC Comm: Approved: 9/12/96
39	Program Admin	Registry	Rules & Regs Chapter Registry	The HRC will register local vendors of construction materials, equipment, and supplies; however, local brokers will not be certified.	Task Force: HRC Comm: Approved: 9/4/96
40	Program Scope	Subcontractor Program	Administrative	HRC should not count MBE/WBEs below first tier subcontracting	Task Force: Adv Comm: Rejected: 10/28/96
41	Program Scope	American Indian	Legislative	Inclusion of American Indians in the MBE/WBE/LBE program.	HRC Comm: Task Force: Pending Disparity Study
42	Program Scope	Certification		Discussion of inclusion of firms owned and controlled by people with disabilities in the MBE/WBE/LBE.	HRC Comm: Task Force: No Action: 10/29/96
					Adv Comm:
					HRC Comm:





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MAY 18 1998

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**TASK FORCE ON THE NEW 12D ORDINANCE
OF THE MBE/WBE/LBE ADVISORY COMMITTEE**

DATE: Wednesday, May 20, 1998
TIME: 4:30 p.m.
LOCATION: 25 Van Ness Avenue, Suite 800
San Francisco, CA 94102

AGENDA

4:30 p.m.

1. Discuss the changes made and the recommendations to be submitted to the Advisory Committee.

Members please remember to bring your copy of Ordinance 12D.

NEXT ADVISORY COMMITTEE MEETING:

DATE: Wednesday, June 17, 1998
TIME: 5:30 p.m. to 7:30 p.m.
LOCATION: Human Rights Commission Offices
25 Van Ness Avenue (near Market Street)
8th Floor, Conference Room





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